

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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DANAHER CORPORATION,

Plaintiff,

v.

LEAN FOCUS, LLC, *et al.*,

Defendants.

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ORDER

19-cv-750-wmc

Defendants have moved to compel compliance with a Rule 45 subpoena served on Loren H. Hutchins IV, a “consultant” hired by one of Danaher’s law firms. *See* dkt. 211. Because defendants seek documents directly from Hutchins, Rule 45(d)(3) required them to file their motion in the District of Colorado where Hutchins lives.

That said, this court is inviting its sister court in Colorado to find exceptional circumstances under Rule 45(f) and transfer this motion back to the Western District of Wisconsin. The instant discovery dispute is just the latest skirmish in a discovery war between the parties that this court already has addressed many times. *See, e.g.*, April 27, 2021 Order, dkt. 173. Given this court’s knowledge of and familiarity with this case, this court already is well-positioned to consider and decide this motion, and it would welcome the opportunity to spare another judge the need to get up to speed on the facts and background issues relevant to the instant motion.

If this dispute is transferred back to Madison, then Danaher should expect to submit *ex parte* for in camera review all communications between

Hutchins ↔ law firm ↔ Danaher

so that this court can determine whether any of Danaher’s claims of privilege have merit.

ORDER

It is ORDERED that defendants' motion to compel compliance with document subpoena to Loren Hutchins is denied without prejudice.

Entered this day of 10<sup>th</sup> June, 2021.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge